

**SOAH DOCKET NUMBER 582-10-0353**  
**TCEQ DOCKET NUMBER 2009-0913-MWD**

<b>Application by the</b>	<b>§</b>	
<b>CITY OF PATTON VILLAGE</b>	<b>§</b>	<b>BEFORE THE</b>
<b>for TPDES</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>PERMIT NO. WQ0014926001</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

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**EXECUTIVE DIRECTOR'S SPECIAL EXCEPTION TO CORRECT  
TYPOGRAPHICAL AND OMISSION ERRORS IN THE ORDER ATTACHED  
TO THE PROPOSAL FOR DECISION IN THIS CASE**

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The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) files this Special Exception for the limited purpose of correcting one omission contained in the Findings of Fact, and one typographical error contained in the Conclusions of Law in the order attached to the Proposal for Decision in this case.

I.

On Page 5 of the "Findings of Fact," in Finding of Fact #25, the Administrative Law Judge (ALJ) stated that:

The proposed effluent set of 10 mg/L CBOD<sub>5</sub>, 3.0 mg/L NH<sub>3</sub>-N, and 4.0 mg/L minimum dissolved oxygen are adequate to ensure that the dissolved oxygen level in the receiving stream will be maintained above the 5.0 mg/L criterion and therefore the high aquatic life use will be maintained and protected.

The ED believes that the ALJ inadvertently omitted the limit of 15 mg/L TSS (total suspended solids) from this finding. This limiting permit parameter should be included in Finding of Fact #25.

II.

On Page 9 of the “Conclusions of Law”, in Conclusion of Law #4, the ALJ stated that:

In accordance with TCEQ’s regulations implementing the TSWQS at 30 Tex. Admin. Code Chapter 307, the **OGSES’s** discharge under the terms of the **revised** draft permit will comply with the general criteria, antidegradation policy, toxic material provisions, and site-specific uses and criteria.

(Emphasis added). The ED believes that “OGSES” should be deleted and replaced with “Patton Village”, and that “revised” should be deleted.

The ED respectfully requests that the ALJ file an amended order that contains the 15 mg/L TSS limit in Finding of Fact #25 and that Conclusion of Law #4 be corrected to reference the Patton Village draft permit.

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G., Executive Director

Robert Martinez, Director  
Environmental Law Division



By \_\_\_\_\_  
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Representing the Executive Director,  
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**CERTIFICATE OF SERVICE**

I certify that on January 10, 2011, a true and correct copy of the foregoing “Executive Director’s Special Exception to Correct Typographical and Omission Errors in the Order Attached to the Proposal for Decision in this Case” was filed with the Office of the Chief Clerk and sent by first class, agency mail and/or facsimile to the persons listed in the mailing list below.

A handwritten signature in black ink, appearing to read 'Alicia M. Lee', followed by a horizontal line.

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Alicia M. Lee, Staff Attorney  
Environmental Law Division

**CITY OF PATTON VILLAGE  
MAILING LIST**

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